IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 1285 OF 2006

MANJEET SINGH ANAND .. .. PETITIONER

Versus

STATE OF MAHARASHTRA & ORS. .. RESPONDENTS

petitioner-in-person

Mr. Ashok Mundergi for the intervenor

Mr. S.R. Borulkar, PP

CORAM:-SMT. RANJANA DESAI &
D. B. BHOSALE, JJ.

DATED:-5/4/2007

P.C.

. In this petition, the petitioner has made following prayers:

. "a) That this Hon'ble Court be pleased to issue Writ of Certiorari or any other appropriate Writ Order and direction calling for the records, papers and proceedings on the file of respondent Nos. 2 to 7 and direct the respondent No. 3 to produce investigation papers and case filed and after perusing the same this Hon'ble Court be pleased to

pass appropriate orders and directions as this Hon’ble Court may deem fit and proper after considering the facts, circumstances and records, decide the conduct of respondent Nos. 3 and 7 herein.

. b) This Hon’ble Court be pleased to issue Writ of Mandamus or a writ in the nature of Mandamus or anyother appropriate, Writ, Order and Direction, thereby ordering and directing the respondent No. 3 to produce investigation papers and case file for further investigation as per order dated 30/11/2005 passed by the Hon’ble Division Bench of this Hon’ble Court in Writ Petition No. 209 of 2005 and handover the investigation papers, records and procedings for further investigation in F.I.R. No. 54/2004 registered at M.I.D.C. Shiroli Police Station, Kolhapur.

. c) That this Hon’ble Court be pleased to issue Writ of Prohibition Mandamus and/or such other appropriate Writ, Order and/or direction in the nature of writ of prohibition, thereby prohibiting the respondent No. 7 from submitting report before Magistrate and closing the investigation in F.I.R. No. 54/04 of MIDC Shiroli Police Station,

Kolhapur, acting in the manner detrimental to the interest an orders of this Hon’ble High Court.

. d) That this Hon’ble Court be pleased to quash and/or set aside report, if any submitted by the respondent No. 7 for closing the investigation and seeking permission from concerned Magistrate to take action against Petitioner in respect of F.I.R. No. 54/04 of MIDC Shiroli Police Station, Kolhapur."

2. Our attention is drawn to order dated 30/11/05 passed by this court in Writ Petition No. 2099 of 2005 filed by the petitioner where it is recorded that the investigation is transferred to C.I.D. This court has also recorded the statement of the learned counsel appearing for the petitioner at time that " the petitioner who is present states that whatever is the outcome of the investigation by the C.I.D., he will be bound by it".

3. We are informed by the learned PP Mr. Borulkar that on 5/5/06 on completion of investigation the State CID has filed B-summary report in the concerned court. We are informed by the learned PP that the Magistrate has not passed any order on the

application made by the police for B-summary, in view of the pendency of the present petition.

4. In the circumstances, we direct the learned Magistrate to dispose of the application after giving due notice to the petitioner and after hearing him in accordance with law within twelve weeks from the date of receipt of this order by him.

5. Needless to say that all contentions raised by the petitioner unless they are rejected by this court in any of the orders passed on the petitioner's petitions are kept open. We make it clear that, we have not expressed any opinion on them.

6. This petition is, therefore, disposed of.

JUDGE.

JUDGE.